

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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UNITED STATES OF AMERICA, : Case No. 1:20-cr-00142-1
:
Plaintiff, : **Jury Trial, Day 10**
: Tuesday, July 5, 2022
- v - :
: 9:00 a.m.
ALEXANDER SITTENFELD, a/k/a :
"P.G. Sittenfeld," :
:
Defendant. : Cincinnati, Ohio

* * *

EXCERPTED PROCEEDINGS - TESTIMONY OF LUKE BLOCHER

BEFORE THE HONORABLE DOUGLAS R. COLE, DISTRICT JUDGE

* * *

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* * *

BLOCHER - DIRECT

1 P R O C E E D I N G S

2 (In open court at 10:28 a.m.)

3 * * *

4 MR. C. MATTHEW RITTGERS: Your Honor, Luke Blocher,
5 who I believe is here. May I check to see if he's in the
6 hall?

7 THE COURT: You may.

8 MR. C. MATTHEW RITTGERS: Thank you.

9 (Defense witness, LUKE BLOCHER, sworn.)

10 THE COURT: You may proceed.

11 DIRECT EXAMINATION

12 BY MR. C. MATTHEW RITTGERS:

13 Q. Good morning. What is your full name for the record?

14 A. My full name is Lucas Rames Blocher.

15 Q. Where do you currently work?

16 A. The Taft law firm.

17 Q. And where did you work back in 2018 and 2019?

18 A. I worked in the law department for the City of
19 Cincinnati.

20 Q. In what role?

21 A. I was the deputy city solicitor.

22 Q. And can you tell us what duties the deputy city solicitor
23 had, especially in relation to the economic development
24 department?

25 A. So my duties included general management of the

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1 department, but then also sort of oversight of all of the
2 transactional parts of the office, which included all the work
3 around economic development and real estate.

4 Q. How common was it for a council member to come to you and
5 discuss legislation back when you were a deputy city
6 solicitor?

7 A. Well, I think there's two parts to that question. One
8 is, I think council members can request legislation, like any
9 member, like mayor or city manager.

10 And then from time to time, because I was, sort of, the
11 main person to discuss economic development-related issues,
12 and I was the person who explained at the public meetings the
13 terms of the deals and how they worked, I would, from time to
14 time, get questions about them from people and house members.

15 Q. Outside of council floor individually?

16 A. Yes. It was more common in council, but it happened
17 outside of council too.

18 Q. Back in 2018 and 2019, can you tell us who the head of
19 the economic development department was?

20 A. Yes. It was Philip Denning.

21 Q. What role did you have in reviewing or drafting something
22 called a transmittal or an ordinance?

23 A. I think the easiest way to explain that is that for every
24 ordinance that comes before the council, there's an ordinance
25 which is the actual legal document, and the law department

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1 drafts that.

2 And my staff would -- you know, if it was an economic
3 development-related ordinance, my staff would draft it and I
4 would review it. Sometimes I would draft it but, in general,
5 I would review it and approve it.

6 And then a transmittal would be drafted by the department
7 who was putting forward the ordinance, usually in a
8 development context, was the development department, and that
9 was -- that came together with the ordinance when it was put
10 forth to council.

11 MR. C. MATTHEW RITTGERS: Your Honor, may I approach
12 the witness?

13 THE COURT: You may.

14 MR. C. MATTHEW RITTGERS: And I'm showing you what's
15 been previously marked as Defendant's Exhibit D4, which is a
16 transmittal, and Defendant's Exhibit D2, which is the
17 ordinance.

18 Q. Do you recognize those two documents?

19 A. I do.

20 Q. And could you tell us what D4 is?

21 A. D4 is the transmittal that accompanied the D2 ordinance.

22 Q. Is that a fair and accurate copy of the transmittal for
23 435 Elm to the port?

24 A. As far as I can tell, it looks to be, yes.

25 Q. On that transmittal, is that something that you would

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1 have reviewed?

2 A. The transmittal, I would have reviewed in the context of
3 presenting -- being a part of the council meetings which would
4 discuss it. And so I would review it to be able to discuss
5 what was inside of it, and also I would have reviewed it when
6 it went final to be submitted.

7 Q. On the transmittal, can you tell who sponsored the
8 transfer to the port?

9 A. When you say sponsor, I'm not sure exactly what you mean
10 by that.

11 Q. What does it mean to sponsor legislation?

12 A. Okay. I guess, when I would use that term, any piece of
13 legislations that comes through the city, there's some
14 constituent part of the city that's saying I want this to
15 happen and puts it forward, whether it be a council member,
16 whether it be a mayor, whether it be the city manager.

17 And then within the city manager, you have all the
18 departments that report up to the city manager so, oftentimes,
19 they'll come from a specific department through the city
20 manager.

21 Q. By looking at D4, can you tell who sponsored that
22 transfer to the port?

23 A. I think this was -- this came from the city manager,
24 which is indicated at the top of the document. And by the
25 nature of the way it's -- the final page, there's a copy to

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1 Philip Denning, the director of the department, and that would
2 have been a common practice to note that this came, sort of
3 through the development department, came up through -- up from
4 the development department, up to the city manager's office,
5 to city council for consideration.

6 MR. C. MATTHEW RITTGERS: Your Honor, may I approach
7 the witness stand again just to take back the document?

8 THE COURT: You may.

9 MR. C. MATTHEW RITTGERS: May I have permission to
10 publish D4, Your Honor?

11 THE COURT: Are you moving to admit it?

12 MR. C. MATTHEW RITTGERS: Yes, Your Honor.

13 MS. GLATFELTER: No objection.

14 THE COURT: Defendant's Exhibit D4 is admitted
15 without objection and may be published to the jury.

16 Q. Can you see that on your screen up there, Mr. Blocher?

17 A. Yes.

18 Q. And so can you tell us who the city manager was at the
19 time?

20 A. Yes. It was Patrick Duhaney.

21 Q. And by looking at this document, can you tell us who
22 sponsored this transfer to the port?

23 A. I guess, using the terminology of sponsor that we just
24 discussed, I would say the city manager has put forward this
25 legislation to propose transferring this property.

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1 Q. And then after the transmittal, what part -- what's the
2 law called, the actual transfer, the legal document?

3 A. Generally, I think -- well, generally, it's either
4 purchase, or sale, or sale agreement.

5 Q. And what does the ordinance stand for that you have up
6 there marked as Defendant's Exhibit D2?

7 A. The ordinance is the actual legal agreement -- the legal
8 authorization from the city council authorizing the city to
9 transfer property --

10 Q. And --

11 A. -- in this case.

12 Q. Oh, sorry.

13 A. No. I'm sorry.

14 Q. Go ahead.

15 A. No. I just said in this case. That's all I said.

16 Q. Oh. Is this something that you would have also reviewed
17 in your role as a deputy city solicitor?

18 A. Yes.

19 Q. Do you see your initials anywhere on that document?

20 A. Yes. My initials are on the upper right-hand corner.

21 Q. And what is that?

22 A. The practice, at the time I was in the city solicitor's
23 office, was the solicitor's office would draft all the
24 ordinances, and the city solicitor, herself or himself, or a
25 deputy would initial it before they send it off to be

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1 submitted for final -- you know, to be considered final.

2 There would be a wet ink initialing of the ordinance as a,
3 sort of, final signoff.

4 Q. Is that a fair and accurate copy of the ordinance that
5 transferred 435 Elm from the city to the port?

6 A. Yes. I believe, yes, it is.

7 Q. And inside that document, is there a discussion as to the
8 reasons why this property was transferred to the port?

9 A. I believe there is. And if you could let me review it
10 quickly, I can --

11 Q. It's the top of page 2, I believe.

12 A. Okay. Yes. In the top of page 2, yes, it describes --
13 it gives one of the reasons for transferring property.

14 MR. C. MATTHEW RITTGERS: Your Honor, may I approach?

15 THE COURT: You may.

16 MR. C. MATTHEW RITTGERS: I'll move to admit this
17 exhibit and publish, Your Honor.

18 MS. GLATFELTER: No objection.

19 THE COURT: Defendant's Exhibit D2 is admitted
20 without objection and may be published for the jury.

21 Q. Mr. Blocher, I'm going to show you what is on the top of
22 page 2 on this document that you testified you reviewed.

23 Is that what you were referring to in terms of some of
24 the reasons why the property at 435 Elm was transferred from
25 the city to the port?

1 A. Yes.

2 Q. Is that common, ordinary practice of the city to put the
3 reasons in the actual ordinance for transfers?

4 A. Yes. It was a normal practice to -- and, again, this is
5 the, sort of, official legislative action of the city saying
6 why they're doing something, and so it was common practice to
7 say in the ordinance this is why we did this.

8 Q. And these reasons that were stated here, in part, on the
9 top of page 2, those facts, that would have come from the city
10 economic development department, I assume?

11 A. Correct.

12 Q. Was there anything unusual, back in 2019, when this was
13 transferred from the city to the port?

14 A. I don't really know exactly how to answer that question,
15 but nothing -- I suppose I can say nothing is coming to mind.

16 Q. Okay. Was it unusual to transfer properties for a dollar
17 from the city to the port back when you were deputy city
18 solicitor?

19 A. I don't know how -- I would say that it wasn't unusual to
20 transfer properties for a dollar, as a general matter, in
21 economic development transactions in which there was a larger
22 value involved than the value of the property that was -- the
23 city was trying to achieve.

24 Q. And can you state some of those reasons why the city
25 would do that?

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1 A. Again, I think, as a general matter, the city either --
2 in the sense like this, the city has property that has its
3 own, sort of, negative value in some ways, and then -- but it
4 could be redeveloped by another party.

5 Or there's a larger redevelopment project that's
6 happening that requires a significant amount of city incentive
7 to be possible, and one of those incentives is transferring
8 the property for a dollar.

9 Q. Just because a property is transferred to the port, do
10 the maintenance costs go away?

11 A. Can you read that last part again?

12 Q. The maintenance cost that we looked at on page 2 of this
13 document were \$400,000 a year. Do those costs go away when it
14 gets transferred to the port?

15 A. I wouldn't think so.

16 Q. If we could talk about P.G. relative to other council
17 members briefly. How is he in terms of his communication and
18 involvement relative to the other council members with you as
19 the deputy city solicitor?

20 THE COURT: Hang on one second.

21 MS. GLATFELTER: Your Honor, objection. May we have
22 a quick sidebar, please?

23 SIDEBAR CONFERENCE

24 MS. GLATFELTER: Your Honor, I believe this is
25 irrelevant, given the pretrial rulings and the discussion

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1 we've had over the last few days in terms of what evidence
2 would be relevant for the defendant to put on.

3 This is essentially 404(b) evidence -- on one side, it
4 could be 404(b) evidence. On the other side, it's comparison
5 to other legislators. What's relevant here is what the
6 defendant did in this case relative to 435.

7 MR. C. MATTHEW RITTGERS: Your Honor, we just heard
8 the government's case in chief that P.G. was very involved,
9 and all I'm asking this witness is to testify to how involved
10 he was in the past with other deals.

11 THE COURT: Are you going to go through specific
12 instances?

13 MR. C. MATTHEW RITTGERS: I was not going to go into
14 specific deals.

15 THE COURT: Okay. I mean, I think it's consistent
16 with some of the testimony we've already heard from other
17 witnesses about the extent to which Mr. Sittenfeld was
18 involved in economic development activities. I'm going to
19 allow you a little leeway, but I'm assuming you're not going
20 to go into --

21 MR. C. MATTHEW RITTGERS: Into a specific deal, I'm
22 not.

23 THE COURT: And this is going to be relatively --

24 MR. C. MATTHEW RITTGERS: Yes.

25 THE COURT: Okay.

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1 MS. GLATFELTER: Your Honor, that's what makes it
2 relevant, if it's related to a specific economic development
3 similar to this one, just generally how he was -- just
4 generally how he is as a legislator is irrelevant.

5 THE COURT: Well, I'm going to allow it in.

6 MR. C. MATTHEW RITTGERS: Thank you.

7 SIDEBAR CONFERENCE CONCLUDED

8 THE COURT: You may proceed.

9 BY MR. RITTGERS:

10 Q. Mr. Blocher, relative to other counsel members, how
11 active was P.G. in terms of his communication and questions to
12 you related to legislation development?

13 A. I would say that -- I mentioned earlier there was a
14 couple settings which I engaged with people, there was at
15 council meetings, at committee meetings, and then occasionally
16 outside of those.

17 I think, in both settings, he was, as a general matter,
18 more active than most of his colleagues, during the time that
19 I was there, at least.

20 Q. How common was it for a council member to come to you and
21 inquire about complaints that they might have been receiving
22 related to delays, or what we might refer to as bureaucratic
23 red tape?

24 A. It was not as uncommon as I would like, because it was my
25 people who were doing that work, in a lot of instances, but it

1 did happen from time to time. We tried to improve on that
2 over time, but it would still happen from time to time

3 Q. How frequent was it for the city to partner with the port
4 on difficult developments?

5 A. I can say that the Port Authority has pretty unique
6 powers under state law, and so it was not uncommon for the
7 city, and is not uncommon even today for the city, to partner
8 with the Port Authority in ways that both parties can use
9 their unique authority to help make a project happen.

10 MR. C. MATTHEW RITTGERS: I have no further
11 questions, Your Honor.

12 THE COURT: Thank you, Mr. Rittgers.

13 MS. GLATFELTER: May I inquire, Your Honor?

14 THE COURT: You may, Ms. Glatfelter.

15 MS. GLATFELTER: Thank you.

16 CROSS-EXAMINATION

17 BY MS. GLATFELTER:

18 Q. Good morning.

19 A. Good morning.

20 Q. You said that you worked for the city in 2018 and 2019?

21 A. Correct.

22 Q. And that was a career position, right, a career public
23 servant position, as opposed to an elected official?

24 A. Correct.

25 Q. And that was as the deputy solicitor general?

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1 A. Deputy city solicitor was the title.

2 Q. Deputy city solicitor. Your responsibilities in that
3 role included economic development, I believe, we heard?

4 A. Yeah. My staff and me were involved in the drafting and
5 negotiating of economic development agreements.

6 Q. All right. And in that role in working with economic
7 development, as a general matter, your job is to serve the
8 city, do what's in the best interest of the city?

9 A. The city is my client, so yes.

10 Q. So you're working to serve the city in the best way that
11 you can?

12 A. I certainly thought I was doing that, yes.

13 Q. You said you worked with economic development, including
14 people like Phil Denning, right?

15 A. Yes.

16 Q. And Phil Denning is also someone who is a career public
17 servant, distinguishable from elected officials?

18 A. Yes.

19 Q. All right. And the economic development department,
20 their role was evaluating -- part of their role was evaluating
21 proposed projects?

22 A. Yes.

23 Q. And in evaluating those proposed projects, they would
24 determine what was in the city's best interest?

25 A. I believe that's an accurate way to describe it.

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1 Q. And one of the projects that they evaluated in 2019, as
2 we just heard with the ordinance, was 435 Elm, right?

3 A. Correct.

4 Q. So you were aware, at the time when that property was
5 transferred, that Mr. Ndukwe was interested in developing
6 435 Elm, right?

7 A. I was aware, yes.

8 Q. All right. And you were aware at that time that
9 Mr. Ndukwe, in developing that project, sought certain things,
10 like he wanted the property for a dollar, right?

11 A. I don't know that. I wasn't involved in those
12 discussions with him directly.

13 Q. Okay. Mr. Blocher, were you interviewed by the FBI in
14 relation to this matter?

15 A. Yes.

16 Q. Would it help refresh your memory to review a report of
17 that interview?

18 A. Sure.

19 MS. GLATFELTER: May I approach, Your Honor?

20 THE COURT: You may.

21 Q. I'm not trying to be tricky here.

22 A. No. Sure.

23 Q. I'm just asking you, at the time that property was
24 transferred, you were aware that Mr. Ndukwe wanted that
25 property for a dollar?

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1 A. After having that refresh my memory, I do recall that
2 he -- I had heard that that was happening, he was out there
3 advocating for that.

4 Q. And he did not want a competitive process, right?

5 A. That was what I had heard, yes.

6 Q. And despite having an interested developer interested in
7 435 Elm, the city made the decision to transfer the property
8 to the port, right?

9 A. Yes.

10 Q. And that was because it was public servants' belief that
11 was in the best interest of the city?

12 A. I think that reflected the best judgment of the city
13 administration, yes.

14 MS. GLATFELTER: One moment, Your Honor.

15 No further questions.

16 THE COURT: Thank you, Ms. Glatfelter.

17 MR. C. MATTHEW RITTGERS: No questions, Your Honor.

18 THE COURT: Very good. Mr. Blocher, you're free to
19 step down.

20 (Witness excused.)

21 (Excerpt of proceedings concluded at 10:48 a.m.)

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C E R T I F I C A T E

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I, M. SUE LOPREATO, RMR, CRR, certify that the foregoing
is a correct transcript from the record of proceedings in the
above-entitled matter.

/s/ M. Sue Lopreato
M. SUE LOPREATO, RMR, CRR
Official Court Reporter

August 12, 2022

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